

IN THE DRAWINGS

The attached sheet of drawings includes changes to Fig. 1. This sheet, which includes Fig. 1, replaces the original sheet including Fig. 1.

Attachment: 1 Replacement Sheet

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the present amendment and in light of the following discussion, is respectfully requested.

Claims 11-29 are pending. In the present amendment, Claims 11 and 13-20 are currently amended, and new Claims 21-29 are added. Support for the present amendment can be found in the original specification, for example, at page 1, lines 11-18, at page 2, lines 16-21, at page 4, lines 10-37, at page 6, line 38 to page 7, line 4, and in Figure 1. Thus, it is respectfully submitted that no new matter is added.

In the outstanding Office Action, the drawings were objected to; Claims 11-20 were rejected under 35 U.S.C. § 112, second paragraph; and Claims 11-20 were rejected under 35 U.S.C. § 102(b) as anticipated by Yoshikawa et al. (U.S. Publication No. 2003/0101840, hereinafter "Yoshikawa").

Initially, Applicant would like to thank Examiner Le for the courtesies extended to Applicant's representative during the interview conducted on August 25, 2009. During the interview, Applicant's representative and Examiner Le discussed proposed amendments to Claim 11 in view of the cited references. Examiner Le suggested adding "manual" to the claim language to clarify that the change of ratio requested by the driver is manually imposed in the automatic mode. Examiner Le indicated that the proposed amendment appeared to overcome the cited references. Accordingly, the present amendment is hereby submitted for formal consideration.

The specification is hereby amended to add section headings. It is respectfully submitted that no new matter is added.

In response to the objection to the drawings, Figure 1 is hereby amended to label blocks 1-3 with reference numerals 1-3 to correspond to the original specification. Figure 1 is also hereby amended to show the separate action devices, the steering wheel, and the arms,

and the specification is amended to provide a written description thereof. It is respectfully submitted that no new matter is added. Thus, it is respectfully requested that the objection to the drawings be withdrawn.

In response to the rejection of Claims 11-20 under 35 U.S.C. § 112, second paragraph, it is noted that the claim element “the transmission” in amended Claim 11 has antecedent basis. Claims 13 and 14 are amended to clarify that the conditions recited in the respective claims are part of the first conditions recited in Claim 11. Also, the specification is hereby amended to clarify that the term “primary speed” is a term of art that refers to the speed of the primary or input shaft of the transmission, which receives the movement from the engine. Further, regarding Claims 15 and 16, the imposed up-shift and down-shift are amended to clarify that they are the same shifts recited in Claims 13 and 14, respectively. Additionally, Claim 18 is amended to recite “a foot of the driver.” It is also noted that Claims 19 and 20 are hereby amended to be in independent form to clarify the elements that constitute the respective adjustment devices. Further, these claims are amended to recite “a steering wheel.”

Therefore, in view of the above amendments, every pending claim is believed to be definite, and no further rejection on that basis is anticipated. However, if the Examiner disagrees, the Examiner is respectfully requested to telephone the undersigned who will be happy to work the Examiner in a joint effort to derive mutually acceptable language.

Turning now to the rejection under 35 U.S.C. § 102(b), Applicant respectfully requests reconsideration of this rejection and traverses this rejection, as discussed below.

Amended Claim 11 recites:

A method for adjusting automatic transmission ratios by a driver, comprising:

controlling the automatic transmission ratios according to operating curves in an automatic mode;

while a gearshift lever of a transmission is maintained in a position corresponding to the automatic mode, imposing a change of ratio requested by the driver on the transmission, if first conditions are satisfied, wherein the change of ratio requested by the driver is manually imposed in the automatic mode;

maintaining the ratio requested by the driver until second conditions for returning to the controlling the automatic transmission ratios according to the operating curves in the automatic mode are satisfied; and

automatically restoring the controlling in the automatic mode when the second conditions are satisfied.

Accordingly, Claim 11 is hereby amended to clarify that, while the automatic transmission is in an automatic mode, a change of ratio requested by the driver on the transmission can be manually imposed to override the control according to the operating curves. Thus, the method recited in Claim 11 can manually impose a change of ratio requested by the driver while the transmission remains in the automatic mode. It is respectfully submitted that the cited reference does not disclose or suggest every feature recited in amended Claim 11.

Yoshikawa describes a gearshift mode and gear range selector device 9 that can be shifted from a gear range selection slot 16 to a manual gearshift slot 18.¹ Further, Yoshikawa describes that the selector lever 14 of the selector device 9 can be shifted from a drive (D) range to a mutual position M from which the selector lever can swivel to a shift-up position or a shift-down position to impose a change of ratio requested by the driver.²

However, it is respectfully submitted that Yoshikawa does not disclose or suggest “while a gearshift lever of a transmission is maintained in a position corresponding to an automatic mode, imposing a change of ratio requested by the driver on the transmission, if

¹ See Yoshikawa, at paragraphs [0025] and [0026] and in Figure 3.

² See Yoshikawa, at paragraph [0026] and in Figure 3.

first conditions are satisfied, wherein the change of ratio requested by the driver is manually imposed in the automatic mode,” as recited in amended Claim 11.

Instead, as discussed above, Yoshikawa only describes imposing a change of the ratio requested by the driver when the gearshift lever is moved to the manual gearshift slot 18.³ Thus, the system described in Yoshikawa does not impose a change of ratio requested by the driver when the selector device 9 is in the drive (D) position such that the transmission is in the automatic mode. Instead, the driver must initially move the selector lever 14 from the drive (D) position to the manual gearshift slot 18 to exit the automatic mode before the transmission described in Yoshikawa will impose the change of ratio requested by the driver.

Accordingly, it is respectfully submitted that Yoshikawa does not disclose or suggest every feature recited in amended Claim 11. Thus, it is respectfully requested that the rejection of Claim 11, and all claims dependent thereon, as anticipated by Yoshikawa be withdrawn.

Independent Claim 19 recites an adjustment device comprising “separate action devices with which the driver can request an up-shift or a down-shift, and the up-shift or the down-shift requested by the driver is manually imposed in the automatic mode.”

As discussed above, Yoshikawa describes that the selector lever 14 must be moved into the manual gearshift slot 18 before a request from the driver is imposed. Further, as discussed in paragraph [0028] of Yoshikawa, the shift-down switch 23, which provides a shift-down command signal for the automatic transmission control system, only shifts when the gear selector lever 14 is positioned within the manual gearshift slot 18. Thus, the shift-down switch 23 and a shift-up switch 25 described in Yoshikawa are not the claimed separate action devices.

³ See Yoshikawa, at paragraph [0030].

Therefore, it is respectfully submitted that Yoshikawa does not disclose or suggest every feature recited in Claim 19. Thus, it is respectfully requested that the rejection of Claim 19 as anticipated by Yoshikawa be withdrawn.

Claim 20, while directed to an alternative embodiment, recites features similar to those discussed above with respect to Claim 19. Accordingly, it is also respectfully requested that the rejection of Claim 20 as anticipated by Yoshikawa be withdrawn.

New Claims 21-29 are added by the present amendment. Support for new Claims 21-29 can be found in the original specification, for example, at page 1, lines 11-18, at page 2, lines 16-21, at page 4, lines 10-37, at page 6, line 38 to page 7, line 4, and in Figure 1. Thus, it is respectfully submitted that no new matter is added.

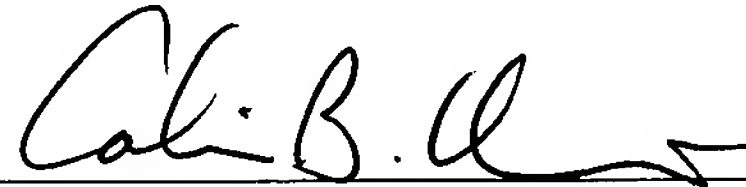
It is noted that new Claims 21-25 depend on independent Claim 11, and thus are believed to be patentable for at least the reasons discussed above with respect to Claim 11 in addition to reciting new features not disclosed or suggested in the cited reference.

Additionally, new Claims 26 and 27 depend on Claim 19 and new Claims 28 and 29 depend on Claim 20. Accordingly, new Claims 26-29 are believed to be patentable for at least the reasons discussed above with respect to Claims 19 and 20, in addition to reciting new features not disclosed or suggested by the cited reference.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application and the present application is believed to be in condition for formal allowance. A Notice of Allowance is earnestly solicited.

Respectfully submitted,

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